

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INSTITUTIONAL CASEWORK, INC.,)	
)	
Plaintiff,)	1:24-cv-00157-CB (Lead Case)
)	
v.)	1:25-cv-00072-CB (Member Case)
)	
)	Judge Cathy Bissoon
TRAVELERS CASUALTY AND)	
SURETY COMPANY OF AMERICA,)	
)	
Defendant.)	

ORDER

Consistent with the Order dated March 13, 2025, [Doc. 22](#) in [1:24-cv-00157-CB](#) (“[24-157E](#)”), the **STAY** is **LIFTED** and the case **REOPENED**. [24-157E](#) and the transferred-in case, which has been numbered [1:25-cv-00072-CB](#) (“[25-72E](#)”), are **CONSOLIDATED**. The case will proceed at the lower number, [24-157E](#), which is the Lead Case. The Member Case, at [25-72E](#), has been **STATISTICALLY CLOSED**, and **no additional filings shall be made there. All future filings shall be made in Lead Case [24-157E](#).**

All of the parties in this consolidated litigation are in the docket in [24-157E](#):

- ICI is Plaintiff (*see* [24-157E](#)), and Consolidated Defendant (*see* [25-72E](#)).

Attorney Copely is the only counsel of record for ICI in [25-72E](#). His entry of appearance has been restated in the Lead Case, as counsel for ICI – Consolidated Defendant. Any other attorney who will represent ICI as Consolidated Defendant shall enter an appearance in that capacity.

- Travelers is Defendant (*see* [24-157E](#)).

- E.E. Austin is Intervenor Defendant, and Third-Party Plaintiff (*see* [24-157E](#)).
- CommCab is Consolidated Plaintiff (*see* [25-72E](#)), and Third-Party Defendant (*see* [24-157E](#)). Messrs. Labov and Palladino have entered appearances for CommCab in [25-72E](#), and they have been made counsel of record for CommCab – Consolidated Plaintiff.

The Court held in abeyance CommCab’s deadline to answer to E.E. Austin’s Third-Party Complaint in [24-157E](#), although it was directed to proceed with service of process. E.E. Austin shall file proof of service in [24-157E](#), and CommCab shall answer or otherwise respond consistent with the timeframes in Federal Rules 4 and 12 (or per agreement of the parties, *see* Local Civil Rule 7.E, regarding stipulations as to the answer deadline).

In conjunction with CommCab’s response, the lawyer(s) representing it in the role of Third-Party Defendant shall enter an appearance in that capacity (i.e., the Court will not assume that Messrs. Labov and Palladino represent CommCab – Third-Party Defendant, although they are, of course, permitted to do so).

Given the relative complexity of the instant Order, any party believing that provision(s) herein are erroneous or suboptimal may file a motion for clarification or relief. The deadline is **May 8, 2025**, and if no motion is filed, the Court will assume that the parties are in agreement. Prior to filing a motion, counsel must confer with all affected parties, and the motion must include statement(s) of position (i.e., whether the request is opposed, unopposed or the affected part(ies) state no position).

For the purposes of Member Case [25-72E](#), the Court ratifies its Order dated June 4, 2024 ([Doc. 5](#) in [24-157E](#)) – addressing, among other things, procedures for motions under Rule 12(b) – which shall govern these consolidated proceedings.

Finally, the Court acknowledges ICI's pending Motion to compel arbitration, which is fully briefed. *See* [Doc. 4](#) in [25-72E](#). ICI seeks to invoke provisions directing arbitration in Tennessee, *id.*, and CommCab opposes. [Doc. 6](#) in [25-72E](#). It seems likely that E.E. Austin and Travelers will join CommCab in opposition, and the Court believes that there already has been enough briefing.¹ If the Court is mistaken regarding their positions, or if E.E. Austin or Travelers believe that compelling arguments – specific to them, and not already advanced – require the filing of a short brief, counsel shall file a motion for leave by **May 8, 2025**.

Once the pleadings have closed regarding E.E. Austin's Third-Party Complaint, the Court will adjudicate any then-pending motions in all reasonable haste.

IT IS SO ORDERED.

May 5, 2025

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All Counsel of Record

¹ CommCab has filed a surreply, *see* [Doc. 8](#) in [25-72E](#), which the undersigned would not likely have permitted. *See* [Doc. 5](#) in [24-157E](#) (invoking JCB's Ps&Ps) *and* web page at <https://www.pawd.uscourts.gov/content/cathy-bissoon-district-judge> (surreplies are "strongly discouraged"). Counsel also should note that the inclusion of all motion papers in a single ECF filing, in this Court, will result in a "quality control" message requiring corrective entries. ECF User Manual, https://www.pawd.uscourts.gov/sites/pawd/files/PAWD_Manual_201702.pdf ("Motions, responses and briefs should be filed as separate documents."); *see also* Standing Orders of implementation, filed at [2:05-mc-00186-MRH](#).